

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Timothy McGuire and James Lee
Joseph Ryan,

Plaintiffs,

v.

Case No. 05-40185

Royal Oak Police Sgt. Douglas Warner,
et al.,

Honorable Sean F. Cox

Defendants.

ORDER DENYING MOTION TO STRIKE

This case is before the Court on “Plaintiffs’ Motion to Strike Defendants’ Motion in Limine As Untimely” (Docket Entry No. 126). This Court’s June 1, 2009, Order Regarding Trial provides that motions in limine were to be filed by July 9, 2009, and would be heard by the Court on July 30, 2009.

In their motion, Plaintiffs ask the Court to strike Defendants’ Motion in Limine Regarding Absolute Immunity, filed by Defendants on July 15, 2009, as untimely.

The Court shall deny this request. Although the motion was filed a few days after July 9, 2009, Defense Counsel did advise Plaintiffs’ Counsel at the Final Pretrial Conference held on June 1, 2009, that Defendants would be filing this particular motion. Given that Plaintiffs were aware that the motion would be filed and the basis of the motion, Plaintiffs will not be prejudiced by the fact that the motion was filed on July 15, 2009. This is especially true given that the Court has adjourned the hearing on motions in limine from July 30, 2009, to August 4, 2009.

Accordingly, **IT IS ORDERED** that Plaintiffs’ Motion to Strike is **DENIED**. Plaintiffs

shall file their response to Defendants' Motion Regarding Absolute Immunity by **July 26, 2009**.

The motion shall be heard by the Court on August 4, 2009, along with all other motions in limine that have been filed by the parties.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: July 16, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 16, 2009, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager